

Attorney's Docket No.: 10559-S04001/P11796  
Intel Corporation

REMARKS

Reconsideration and allowance of the above referenced application are respectfully requested.

Claim 34 is amended to specify that the program is also capable of configuring the computer to block a portion of the communication. As such, this is a tangible embodiment (operation of blocking the communication) and is also definite. This should obviate the rejections under sections 101 and 112.

Claims 1-14, 17-24 and 27-34 stand rejected under 35 USC 103 as allegedly being unpatentable over Bates et al. in view of Kaashoek et al. and further in view of Eichstaedt et al. In order to obviate this rejection, each of the independent claims has been amended to recite finding an average related to traffic of a specified type, and comparing current network traffic to that average. The comparison is used to generate information about unwanted communications, and the different claims define taking some action based on those determinations.

This is in no way taught or suggested by the cited prior art. Bates et al. teaches a system for finding spam. As part of finding the spam, the system looks at the number of similar messages (see, for example, column 6 lines 12-26 and column 7 lines 7-49). However, it makes no sense to generate an average and compare the spam messages to the average, since spam is

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either present or not present. The concept of an average is not only unsuggested by Bates et al., but completely foreign to and inconsistent with the teachings of Bates et al. Therefore, and with all due respect, Bates et al. teaches nothing about the newly claimed subject matter.

The secondary reference to Kaashoek et al. does teach an architecture that is intended to thwart denial of service. However, nowhere is there any teaching or suggestion in Kaashoek et al. of the statistical monitoring and comparing which is carried out according to the new claims.

Finally, Eichstaedt et al. teaches a system that dynamically limits a robot's access to server data. Column 4 lines 3-17 of Eichstaedt et al. describe that a frequency of robot accesses is set. There is no teaching or suggestion of monitoring the network traffic to determine an average, and comparing current network traffic to that average in order to set a desired cut off.

Therefore, no matter how these references are combined, they would not teach the new limitations which are now added to each of the independent claims. These new claims define monitoring network traffic to generate an average related to traffic of a specified type, and comparing the current traffic

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to the average to generate information about unwanted communications.

Moreover, there is no teaching or suggestion in any of the cited prior art of using the techniques that are claimed herein to identify which of the points first carried the unwanted communications such as defined by Claim 1.

Each of the independent claims should hence be allowable for these reasons. The dependent claims should be allowable for analogous reasons. The new dependent claims 35, 37, 39, 41, 43 and 45 specify that the network traffic being monitored is a number of SYN requests, which is further distinguishable over the cited combination of prior art. The remaining newly presented dependent claims define that the average is a moving average, which again is not taught or suggested by the cited prior art.

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent

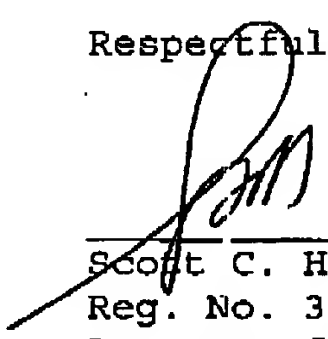
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to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicants ask that all claims be allowed. Please apply the \$350 extra claim fee, and any other applicable charges or credits, to Deposit Account No. 06-1050.

Respectfully submitted,

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